

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

FILED IN OPEN COURT

DATE 10/29/12

BY K. Dotin  
DEPUTY CLERK

HARRISONBURG DIVISION, W.D. of VA

UNITED STATES OF AMERICA )

v. )

JAMES ROBERT COBLER )

Criminal No. 5:12CR00026

STATEMENT OF FACTS

On April 20, 2012, Investigator Michael R. Wagoner, Page County Sheriff's Office, who is also assigned to the Northern Virginia - District of Columbia Internet Crimes Against Children Task Force (NOVA-DC ICAC) identified the defendant's computer as a source for numerous files of apparent child pornography on a Peer-to-Peer, file-sharing network.<sup>1</sup> Investigator Wagoner downloaded three child pornography images depicting prepubescent minors, including one entitled "(pthc lolifuck) 4 yr blowjob 2-10.jpg"<sup>2</sup> which depicts a young girl with her hands holding an adult male penis and with her mouth on the penis. There is a hand on top of her head. Peer-to-peer programs utilize the Internet, which is a means or facility of interstate commerce.

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<sup>1</sup> The investigation identified the location of the computer via the Internet Protocol (IP) address, which the investigation revealed was associated with the defendant.

<sup>2</sup> "pthc" stands for pre-teen hard core and is a commonly used child pornography term; "lolita" and "loli" are also commonly used child pornography terms.

On May 3, 2012, a search warrant was executed at the defendant's home in Winchester, Virginia, and investigators learned that the defendant was responsible for the child pornography they were investigating. A preview of the computers revealed significant child pornography, including images depicting very young children, including toddlers, being vaginally and anally raped by adult males.

Investigators Galbreath and Wagoner taped an interview of the defendant while they were at his home. The defendant admitted that he acquired child pornography using peer-to-peer software (including the particular program used by Investigator Wagoner to download from the defendant). The defendant further admitted knowledge regarding how certain peer-to-peer programs worked, including the program used by Investigator Wagoner to download child pornography from the defendant.

Following the conclusion of the initial interview and around the time the investigators were preparing to leave the premises, the defendant initiated a conversation with the investigators about having molested and filming his sexual acts with a four-year old boy. He admitted to molesting the child on four separate occasions, which he claimed occurred within the prior month, while he was babysitting the child at the home, located in the Western District of Virginia, of one of the child's parents.<sup>3</sup> He stated

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<sup>3</sup> He claimed that the incidents all occurred within a week.

that he did not film him the first incident of molestation. He stated that on the second occasion, he gave the boy a "blow job," and made a 45-second video ("the max it can hold") during this second incident. He also admitted taking one picture of "mostly" the boy or his penis. Defendant stated that on the third occasion, he performed oral sex on the young child and took about nine more pictures, one of which depicted the oral sex. On the last occasion, the defendant claimed not to have taken any pictures or videos.

The Defendant only admitted producing images and or video on two occasions, but a later computer forensic examination revealed images were taken on at least three occasion; these pictures included pictures of the child's anus and penis.

The on-scene investigation confirmed his confession by revealing, during a preview of the digital evidence, not only numerous images and movies of child pornography depicting the sexual molestation and abuse of children but also his homemade child pornography (including the depictions described in the Indictment), at least some of which he had transferred to his computer in a folder with the child's first name. The defendant took the images and video with a SiPix digital camera (which contains labeling regarding being manufactured in China). As part of the production of the images, the defendant downloaded the depictions from the SiPix camera onto his computer, which was also manufactured outside of the United States. Investigators went to

the home where the abuse and images were taken and observed that the surroundings matched the depictions. One of the above-referenced child's parents provided information to the investigators relating to the time period during which the defendant babysat the young boy who was molested and filmed by the defendant.

A forensic examination conducted by the United States Secret Service revealed numerous child pornography images and videos, including images and videos of identified minors, on the defendant's Compaq Presario laptop. One video was found on the defendant's HP Pavilion laptop, hard disk drive. Approximately 21 images and one video of the child whom the defendant sexually abused were found on the Compaq Presario laptop. Peer-to-peer software was also found on this computer. A search of the most recent file list for Windows Media Player on the Compaq Presario laptop included the name of a video depicting the child the defendant molested; a file named "raping my toddler (good copy).asf;" and other file names indicative of images depicting the sexual abuse of prepubescent minors.

10/29/12  
Date

James R. Cobler  
JAMES ROBERT COBLER  
Defendant

10/29/12  
Date

Joel S. Hoppe  
Joel S. Hoppe Esq.  
Attorney for Defendant